

REMARKS

Claims 1-52 are currently pending in this application. Applicant has amended claims 1-11, 13, 18-19, 21-28, and 30 to clarify that the first computing device selectively forwards a request packet through a different network than the network via which the request packet was received, and to address typographical and stylistic issues. Applicant has added new claims 35-52 to more particularly point out and distinctly claim Applicant's invention. No new matter has been introduced by way of these amendments.

The Examiner rejected claims 1-11, 13-16, 18-28 and 30-33 under 35 U.S.C. § 102(b) as anticipated by Aversa, et al., Load Balancing a Cluster of Web Servers, Technical Report BUCS-TR-1999-01, Boston University, Computer Science Dept. (January 1999) (hereinafter "Aversa"). The Examiner also rejected claims 12, 17, 29 and 34 under 35 U.S.C. § 103(a) as rendered obvious by Aversa. In essence, the Examiner asserts that server 4 (or alternatively, servers 2 and 5) illustrated in Figure 2 of Aversa is the claimed first computing device. Applicant respectfully traverses the Examiner's rejections for several reasons. First, the servers illustrated in Figure 2 of Aversa do not correspond to Applicant's first computing device, the other apparatuses, or the methods recited in claims 1-34, because they do not receive a request packet through a first port connected to a first network and then selectively forward a received request packet through a second port that is connected to a second (different) network. Second, Aversa specifically describes the use of an operating system in each of the servers to redirect connections to other servers for load balancing purposes (see Aversa at p. 5-6), rather than locating such capabilities in a network interface card as recited by Applicant's claims 2, 19, 35-38, and 49-52.

Specifically, each of Applicant's claims 1-34 recite the use of "**a first network**" and "**a second network**" for packet receiving and selective outputting that are nowhere present in Aversa. Applicant's use of multiple networks allows use of a first network to receive and respond to client requests and use of a second network to migrate connections and forward request packets between servers. This potentially reduces bottlenecks that might otherwise occur if many requests are being received by a single network that is also used to load balance the requests among multiple servers. In addition, by virtue of having two separate ports associated

with two separate networks, each server can automatically detect packets that have been migrated to it from another server versus packets received from a client, resulting in more efficient packet processing. In contrast, Aversa describes the use of a single local area network for both receiving request packets and forwarding them to other servers.

Accordingly, because Aversa does not teach, motivate or suggest one or more aspects of a first computing device receiving a request packet through a first network and selectively outputting the request packet through a second network, Aversa does not anticipate or render obvious independent claims 1 and 18. Similarly, because dependent claims 2-17 and 19-34 incorporate these aspects by virtue of their dependencies, claims 2-17 and 19-34 also are not anticipated by or rendered obvious in view of Aversa for at least the reasons set forth above.

New claims 35-52 have been added to recite additional embodiments described in the specification as filed. Please see, e.g., Figures 2-17 of the specification as filed and the accompanying descriptions thereof. These claims also recite elements or acts that are not taught, suggested, or motivated by Aversa. For example, claims 35-45 recite **“a first network”** and **“a second network.”** New claims 46-48 recite **“means for transmitting the second type of packet to another server [that] is separate from means for receiving packets from the global network.”** New claims 49-52 recite **“a network interface card.”** Thus, new claims 35-52 are not anticipated by or rendered obvious in view of Aversa.

With regard to several of the dependent claims, Applicant further notes that the Examiner has asserted, without support, that recited acts or features are “well known.” *See, e.g.,* the Examiner’s arguments regarding claims 12, 17, 29 and 34. Applicant respectfully traverses the Examiner’s unsupported contention that the recited acts or features were “well known” in the prior art. See M.P.E.P. § 2144.03 (documentary evidence normally required for assertions that features or asserted facts are “well known”).

Therefore, for these reasons and others, claims 1-52 are not anticipated or rendered obvious by Aversa. In the event the Examiner disagrees or finds minor informalities, Applicant respectfully requests a telephone interview to discuss the Examiner’s issues and to expeditiously resolve prosecution of this application. Accompanying this Amendment is a

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Request for Telephone Interview in the event the Examiner does not agree that the claims are allowable over the cited references.

In closing, Applicant respectfully requests the Examiner to enter these amendments and to reconsider this application and its early allowance. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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TLB:rg

Enclosures:

Postcard

Applicant Initiated Interview Request Form

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